

### REMARKS

Applicant thanks the Examiner for the indication of patentable subject matter recited in the claims. In the Office Action, the Examiner: (1) objected to Figures 1A and 1B of the drawings; (2) objected to the specification for failing to provide proper antecedent basis for the claimed subject matter; (3) objected to claims 13-20 because of informalities; (4) rejected claims 13-20 and 27-30 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention; (5) rejected claims 1-3, 7-9, 13, 21-23, and 27-28 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,524,302 to Ragsdale et al. (hereinafter "Ragsdale"); (6) rejected claims 11, 12, and 30 under 35 U.S.C. §103(a) as being unpatentable over Ragsdale in view of U.S. Patent No. 5,184,356 to Löf et al. (hereinafter "Löf"); (7) rejected claims 21, 22, 31, 32, and 35 under 35 U.S.C. §103(a) as being unpatentable over Löf; and (8) objected to claims 4-6, 10, 14-20, 24-26, 29, and 33-44 but indicated that these claims would be allowable if rewritten both in independent form and to overcome the above-identified rejections under 35 U.S.C. §112, second paragraph.

In this response, Applicant has amended claims 1, 4, 6-10, 13-21, 24, and 26-31. Claims 3, 5, 23, and 25 have been cancelled. New claims 36-54 have been added. No new matter has been introduced. Upon entry of the claim amendments into the record, claims 1, 2, 4, 6-22, 24, and 26-54 will be pending. Claims 1, 13, 21, 31, and 44 are in independent form. A replacement drawing sheet is being submitted concurrently with this response to amend Figures 1A and 1B as indicated herein.

#### Allowable Subject Matter

On page 7 of the Office Action, the Examiner objected to claims 4-6, 10, 14-20, 24-26, and 33-34 as being dependent upon a rejected base claim. The Examiner indicated that these claims would be allowable if rewritten (1) in independent form including all of the limitations of the base claim and any intervening claims and (2) to overcome the rejections

under 35 U.S.C. §112, second paragraph. In this response, Applicant has amended claim 1 to include the subject matter recited in claims 3 and 5. Claim 21 has been similarly amended to include the subject matter recited in claims 23 and 25. Accordingly, amended independent claims 1 and 21 recite the substantive claim limitations of claims 5 and 25, respectively, as well as the substantive limitations of the respective base claim and any intervening claims. The rejections under 35 U.S.C. §112, second paragraph presented in the Office Action were not applied to claims 1, 3, 5, 21, 23, or 25. Therefore, in light of the indications of allowable subject matter contained in the Office Action, Applicant respectfully submits that amended independent claims 1 and 21 are in condition for allowance.

Applicant has elected at this time not to rewrite the other claims indicated by the Examiner as containing allowable subject matter in independent form at least because independent claims 1 and 21 as amended are believed to be in condition for allowance. Applicant further submits that the amendments made to independent claims 13 and 31, as described below, place these claims in condition for allowance for the reasons discussed below.

#### Objection to the Drawings

On page 2 of the Office Action, the Examiner objected to the drawings because Figures 1A and 1B should be designated by a legend such as “Prior Art.” Together with this response, Applicant has concurrently submitted a replacement drawing sheet in which “Prior Art” is included in the legend for each of Figures 1A and 1B. Therefore, Applicant respectfully requests that the Examiner withdraw the objection to the drawings.

#### Objection to the Specification

On page 2 of the specification, the Examiner objected to Applicant’s specification as failing to provide proper antecedent basis for the claim elements “reel element,” “roll-up element,” and “transformable element” recited in the claims. In this response, each of these

terms has been removed from the claims by way of amendment. In particular, “reel element” has been replaced with “reel unit,” “roll-up element” has been replaced with “drive unit” or “roll-up tube,” and “transformable member” has been replaced with “shift base.” The specification provides proper antecedent basis for each of the terms “reel unit,” “drive unit,” and “shift base” (e.g., see page 6 of Applicant’s specification). Because the terms to which the Examiner objected have been removed from the claims, Applicant respectfully requests that the Examiner withdraw the objection to the specification.

#### Objections to the Claims

On page 2 of the Office Action, the Examiner objected to claims 13-20 because sections (d) and (e) of claim 13 recite “a first rotational direction” rather than “the first rotational direction” and “a second rotational direction” rather than “the second rotational direction.” As shown in the Amendments to the Claims section of this response, Applicant has amended claim 13 to correct these oversights. Therefore, Applicant respectfully requests that the Examiner withdraw the objections to claims 13-20.

#### Claim Rejections Under 35 U.S.C. §112, Second Paragraph

On page 3 of the Office Action, the Examiner rejected claims 13-20 and 27-30 under 35 U.S.C. §112, second paragraph, as being indefinite because claims 13, 27, and 30 recite limitations that lack sufficient antecedent basis. Applicants have amended claims 13, 27, and 30 to correct the identified instances of lack of antecedent basis. Specifically, Applicant has changed “the rope” to “a rope” in claim 13, as well as added limitations to claim 13 that recite the element of a “shift member.” In claims 27-30, “the shift element” has been changed to “the shift member” so that amended claim 13 provides sufficient antecedent basis. Therefore, Applicant respectfully requests that the Examiner withdraw the §112 rejections of claims 13-20 and 27-30.

Claim Rejections Under 35 U.S.C. §§102 and 103

In the Office Action, the Examiner: (1) rejected claims 1-3, 7-9, 13, 21-23, and 27-28 under 35 U.S.C. §102(b) as being anticipated by Ragsdale; (2) rejected claims 11, 12, and 30 under 35 U.S.C. §103(a) as being unpatentable over Ragsdale in view of Löf; and (3) rejected claims 21, 22, 31, 32, and 35 under 35 U.S.C. §103(a) as being unpatentable over Löf (pages 3, 5, and 6 of the Office Action). Applicant has amended independent claims 1, 13, 21, and 31 to recite claim limitations not disclosed, taught, or suggested by the prior art of record.

Claim 13 as amended recites, among other limitations, the claim limitation of:

a shift member configured to pivot to a first position to engage the reel unit as the rotatable drive shaft rotates in a first rotational direction and to pivot to a second position to engage the drive unit as the rotatable drive shaft rotates in a second rotational direction. (Emphasis added.)

Independent claims 1, 21, and 31 have been amended to recite similar claim limitations related to pivoting a member to engage a reel unit or a drive unit.

Ragsdale and Löf, taken either alone or in combination, do not disclose, teach, or suggest every element of the claim limitation of a shift member configured to pivot to a first position to engage a reel unit and to a second position to engage a drive unit. In contrast, the apparatus disclosed in Ragsdale relies upon a double dog gear (30) that slides along a drive shaft (18) to drive either a first single dog gear (28) or a second single dog gear (32) (Figure 4 of Ragsdale). However, there is no disclosure, teaching, or suggestion in Ragsdale that the double dog gear (30) pivots.

The shear pin (31) disclosed in Ragsdale also fails to teach or suggest the claim limitation of a shift member configured to pivot to a first position to engage a reel unit and to a second position to engage a drive unit because the shear pin (31) does not engage the single dog gears (28, 32) of Ragsdale. Because the apparatus disclosed in Ragsdale is merely an example of the prior art discussed in the Background section of Applicant's specification, Ragsdale's apparatus suffers from the limitations of the prior art, including the limitation of

needing different parts for right-handed and left-handed implementations. This is because the apparatus disclosed in Ragsdale relies upon a sliding double dog gear (30), which does not provide the flexibility of the pivoting shift member recited in Applicant's claims.

Löf fails to cure this deficiency of Ragsdale. The apparatus disclosed in Löf concurrently drives both a cover reel (70) and a rope spool (120) (col. 6, lines 30-32 of Löf). Accordingly, not only does Löf fail to disclose, teach, or suggest the claim limitation of a shift member configured to pivot to a first position to engage a reel unit and to a second position to engage a drive unit, Löf also teaches away from this claim limitation by concurrently driving both the cover reel (70) and the rope spool (120). Because neither Ragsdale nor Löf teaches the claim limitation of a shift member configured to pivot to a first position to engage a reel unit and to a second position to engage a drive unit, the combination of these references also fails to disclose, teach, or suggest this claim limitation.

Moreover, the Office Action indicates that similar claim limitations recited in original claim 5 recite patentable subject matter (page 7 of the Office Action). Similarly to the above-described claim limitations of amended independent claims 1, 13, 21, and 31, original claim 5 recites the claim limitation of:

...the pivot member is adapted to pivot in one direction to engage the reel element when the rotatable drive shaft is rotated in the first direction, and wherein the pivot member is adapted to pivot in a second direction to engage the roll-up element when the rotatable drive shaft is rotated in the second direction.

The Office Action indicates that this claim limitation includes allowable subject matter (page 7 of the Office Action). Because of the similarity between the limitations of original claim 5 and the limitations of amended independent claims 1, 13, 21, and 31 described above, claims 1, 13, 21, and 31 are patentable over the prior art of record. Therefore, for at least the foregoing reasons, Applicant respectfully requests that the rejections of independent claims 1, 13, 21, and 31 be withdrawn. The rejections of claims 2, 4, 6-12, 14-20, 22, 24, 26-30, and 32-35, which depend from claims 1, 13, 21, and 31, should likewise be withdrawn.

While the dependent claims are believed to be in condition for allowance based on their dependencies from independent claims 1, 13, 21, and 31, the dependent claims independently recite subject matter that is patentable over the prior art of record. In addition to the patentable subject matter recited in dependent claims 4, 6, 10, 14-20, 24, 26, and 33-34 (as indicated on page 7 of the Office Action), claims 8, 9, 27, and 28 provide further examples of patentable subject matter recited in the dependent claims. Claims 8 and 9 as amended recite a shift base adapted to be removably attached to the rotatable drive shaft (claim 8) in a first position and a second position (claim 9). Claim 27 recites the step of changing the orientation of the shift member to drive the drive unit rather than the reel unit when the drive shaft rotates in the first direction. In amended claim 28, the changing of the orientation of the shift member includes removably attaching a shift base on the rotatable drive shaft alternately in a first position or in a second position.

Ragsdale and Löf, taken either alone or together, do not disclose, teach, or suggest the claim limitations related to removably attaching a shift base on a drive shaft in first and second positions to change the orientation of the shift member. On pages 4 and 5 of the Office Action, the Examiner relies upon the shear pin (31) of Ragsdale to reject claims 8, 9, 27, and 28 under 35 U.S.C. §102(b). However, there is no indication in Ragsdale that the shear pin (31) is removably attached to the drive shaft (18). If there is any attachment of the shear pin (31) to the drive shaft (18) of Ragsdale, it appears that such an attachment would be permanent in nature in order for the shear pin (31) to move in the angled aperture of the double dog gear (30), thereby causing the double dog gear (30) to slide upon rotation of the drive shaft (18). Löf was cited simply for its disclosure of a torque limiter, which does nothing to cure the deficiencies of Ragsdale with respect to claims 8, 9, 27, and 28. Therefore, Applicant respectfully requests that the Examiner withdraw the rejections of dependent claims 8, 9, 27, and 28, which are in condition for allowance.

New Dependent Claims 36-43

New dependent claims 36 through 43, which depend directly or indirectly from independent claim 13, recite subject matter that is not disclosed, taught, or suggested in the prior art of record. Merely by way of example, claim 38 recites a shift base configured to be removably attached to the rotational drive shaft in a first base position or a second base position. For the same reasons discussed above, the prior art of record does not teach or suggest this claim limitation.

By way of another example, claim 40 recites that the first base position orients the shift member to engage the reel unit as the rotatable drive shaft rotates in a first rotational direction, and that the second base position orients the shift member to engage the drive unit as the rotatable drive shaft rotates in the first rotational direction. Neither Ragsdale nor Löff disclose, teach, or suggest distinct base positions that change the orientation of a shift member in order to select which element (the reel unit or the drive unit) will be engaged by the shift member as the drive shaft rotates in a single direction. In Ragsdale, a change of rotational direction of the drive shaft (18) appears to be the only factor that can select which element is being engaged by the double dog gear (30). Again, Löff does not cure this deficiency, namely because Löff teaches the simultaneous driving of two different drive shafts. Thus, new claims 38 and 40 recite patentable subject matter.

New Claims 44-54

New independent claim 44 recites:

- 44. A universal shift apparatus, comprising:
  - (a) a rotatable drive shaft;
  - (b) a reel unit for collecting a rope, the reel unit being mounted to freely rotate about the rotatable drive shaft;
  - (c) a drive unit configured to be coupled to a roll-up tube for collecting a pool cover, the drive unit being mounted to freely rotate about the rotatable drive shaft; and
  - (d) a gear assembly mounted to be driven by the rotatable drive shaft, the gear assembly including a shift assembly configured to engage and drive the reel unit as the rotatable drive shaft moves in a first rotational direction and

to engage and drive the drive unit as the rotatable drive shaft moves in a second rotational direction, wherein the shift assembly is configured to be removably attached to the gear assembly at either a first position or a second position.

As discussed previously, the prior art of record, considered either alone or in combination, does not teach or suggest a shift assembly configured to be removably attached to the gear assembly at either a first position or a second position. Accordingly, claim 44, as well as its dependent claims (claims 45-54) are in condition for allowance.

In addition, claims 44-54 independently recite patentable subject matter. Merely by way of example, claim 46 recites the claim limitation of “the shift assembly is configured so that, in the first position, the universal shift apparatus is configured for implementation in a right-handed pool cover motor assembly.” Claim 47 recites the claim limitation of “the shift assembly is configured so that, in the second position, the universal shift apparatus is configured for implementation in a left-handed pool cover motor assembly.” The prior art of record does not contain any teaching or suggestion of these claim limitations. Thus, claims 47 and 48 recite patentable subject matter.



Conclusion

For the foregoing reasons, the present application is thought to be in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If any fees are owed in connection with this paper, which fees have not been elsewhere authorized, authorization is hereby given to charge those fees to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeff Jeppsen", written over a horizontal line.

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AMENDMENTS TO THE DRAWINGS

Please replace original Figures 1A and 1B with revised Figures 1A and 1B as shown in the replacement drawing sheet submitted concurrently with this response. In the replacement drawing sheet, each of the Figures 1A and 1B has been amended to include "Prior Art" in its legend.